



**CITY COUNCIL  
MEETING MINUTES**

**MARCH 16, 2009 7:30 PM**

**I. CALL TO ORDER**

**A. Flag Salute**

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

**B. Roll Call**

Mayor Lewis and the following Councilmembers were present: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Lynn Norman and Virginia Haugen. Councilmember Bill Peloza was excused.

Staff members present included: Planning, Building and Community Director Cindy Baker; Finance Director Shelley Coleman; Human Resources/Risk and Property Management Director Brenda Heineman; Chief of Police Jim Kelly; City Attorney Daniel B. Heid; Information Services Director Lorrie Rempher; Public Works Director Dennis Dowdy; Storm Drainage Engineer Tim Carlaw; Water Quality Program Coordinator Chris Thorn; Human Services Manager Michael Hursh; Recreation Manager Brian Petty; and City Clerk Danielle Daskam.

**C. Announcements and Appointments**

**1. Announcements**

There was no announcement.

**2. Appointments**

**a) Auburn Lodging Tax Advisory Committee**

City Council to confirm the appointment of Adrian Buchan to the Lodging Tax Advisory Committee for a three-year term expiring December 31, 2011.

Deputy Mayor Singer moved and Councilmember Wagner seconded to confirm the appointment of Adrian Buchan to the Auburn Lodging Tax Advisory Committee.

MOTION CARRIED. 6-0.

**b) Park and Recreation Board**

City Council to confirm the appointment of Greg Dobbs to the Park and Recreation Board to an unexpired term ending December 31, 2011.

Deputy Mayor Singer moved and Councilmember Wagner seconded to confirm the appointment of Greg Dobbs to the Park and Recreation Board.

MOTION CARRIED. 6-0.

City Council to confirm the appointment of Richard J. Artura to the Park and Recreation Board for a three-year term expiring December 31, 2011.

Deputy Mayor Singer moved and Councilmember Wagner seconded to confirm the appointment of Richard J. Artura to the Park and Recreation Board.

MOTION CARRIED. 6-0.

**D. Agenda Modifications**

The presentation by the Puget Sound Regional Council scheduled for this evening has been rescheduled. Other agenda modifications include correspondence received today from Jeff Spence regarding the Stormwater Management Program, the removal of Ordinance No. 6217 from the agenda, and a revised Resolution No. 4459 transmitted under Item VIII.B.3 of these minutes.

## II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

### A. Public Hearings

#### 1. Stormwater Management Program

O3.4.1.10, O4.8

City Council to conduct a public hearing on the City's Stormwater Management Program that was prepared in response to the Washington State Department of Ecology's Western Washington Phase II Municipal Stormwater Permit. The Phase II permit covers the discharges from Auburn's storm drainage system. Implementation of the Stormwater Management Program is designed to reduce the discharge of pollutants, protect water quality, and meet the requirements of the Federal Clean Water Act.

Storm Drainage Engineer Tim Carlaw presented the staff report for the public hearing on the Stormwater Management Program. The Program is prepared in response to the Washington Department of Ecology's Western Washington Phase II Municipal Stormwater Permit. The permit requires the development and implementation of a Stormwater Management Program, which outlines how the City will implement permit conditions. The Stormwater Management Program must be adopted annually. An annual report must be completed and submitted to the Department of Ecology as well. The 2009 Stormwater Management Program will focus on stormwater program cost tracking, employee training, refining and implementing public education and outreach activities, illicit discharge detection and elimination program implementation, and adoption of a stormwater technical manual and related development processes.

Mayor Lewis opened the public hearing at 7:36 p.m. There being no one in the audience interested in speaking regarding the Stormwater Management Program, Mayor Lewis closed the public hearing.

***(See Item VIII.B.1, Resolution No. 4453, for further action on this item.)***

**2. 2008 Consolidated Annual Performance and Evaluation Report (CAPER)**

O3.4.1.7

The CAPER is an overall review of housing and community development activities undertaken in Auburn during 2008. Its primary purpose is to inform the citizens of Auburn how and where the federal funds are spent, and assess the program accomplishments as they relate to housing and community development goals set forth in the Consolidated Plan. The purpose of this hearing is to solicit public comments prior to approval of the CAPER and submission of the report to the U.S. Department of Housing and Urban Development.

Human Services Manager Michael Hursh presented the staff report for the 2008 Consolidated Annual Performance and Evaluation Report (CAPER). The primary purpose of the CAPER is to inform the citizens of Auburn where Federal Housing and Urban Development funds are being spent and outline the accomplishments of the program. Federal Housing and Urban Development regulations require the City to solicit comments and provide public review of its annual CAPER.

Mayor Lewis opened the public hearing on the 2008 Consolidated Annual Performance and Evaluation Report at 7:38 p.m. No one present requested to speak regarding the CAPER, therefore the hearing was closed.

***(See Item VIII.B.6, Resolution No. 4463, for further action on this item.)***

**B. Audience Participation**

*This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.*

Darin Fox, 1520 8<sup>th</sup> Street SE, Auburn

Mr. Fox presented a petition to City Council from residents of the City and utility rate payers protesting increases in utility taxes. The petition requests that the Mayor and City Council find budget cuts that would eliminate the reasons for increasing utility taxes.

Billy Ray, 18306 SE 128<sup>th</sup> Street, Renton

Mr. Ray identified himself as the managing member of The Phoenix Group. He spoke regarding a residence at 713 9<sup>th</sup> Street SE which he purchased in April 2007. Mr. Ray stated the residence was extremely rundown and he eventually demolished the residence at the City's request. The property is currently vacant. According to Mr. Ray, he is unable to place a manufactured home on the lot as the lot is considered substandard. He requested that the City allow placement of the new home within the same setbacks as the previous residence. Mr. Ray suggested that the City allow ten foot setbacks for both front and rear yards to allow more flexibility to the builder and homeowner. He suggested an easier process for requesting variances.

George Gonzales, 9917 182<sup>nd</sup> Avenue East, Bonney Lake

Mr. Gonzales reported an incident with the Auburn Police which occurred approximately two months ago. He objected to treatment he received by the officer and the commander. Mr. Gonzales stated that he no longer shops or travels through Auburn because of the treatment he received from Auburn Police.

Marylyn Pederson, 1917 N Court SE, Auburn

Ms. Pederson spoke regarding utility bill increases. She expressed opposition to the utility rate increases. Ms. Pederson also expressed opposition to the charges filed against Councilmember Haugen.

Mayor Lewis stated there was an error in utility billing which incorrectly indicated a sixteen percent increase in rates. Increases in utility rates were implemented in 2008 and in 2009. Mayor Lewis explained that the utility funds are enterprise funds and are funded entirely by utility rates and user fees; not by taxpayers. Mayor Lewis spoke regarding maintenance and repair projects undertaken to improve or replace century-old utility systems.

Paula Fox, 1520 H Street SE, Auburn

Ms. Fox questioned the amount of the utility rate increases in 2008 and 2009. Finance Director Coleman stated that the increase in storm rates in 2008 was approximately 9.63%. Effective January 1, 2009, the storm utility rate was increased approximately 6% (the same for sanitary sewer). Part of the rate increase is used to provide the debt coverage of 1.25% of utility operations. Ms. Fox reported that the area of 17<sup>th</sup> and H Street SE floods continuously.

**C. Correspondence**

There was no correspondence for Council review.

**III. COUNCIL COMMITTEE REPORTS**

A3.7.6

**A. Municipal Services**

Chair Cerino reported that the Municipal Services Committee met March 9, 2009. The Committee discussed Ordinance No. 6226, Resolution No. 4458, Resolution No. 4460, and Resolution No. 4461. The next regular meeting of the Municipal Services Committee is scheduled for March 23, 2009 at 4:00 p.m.

**B. Planning & Community Development**

Chair Norman reported the Planning and Community Development Committee met March 9, 2009. The Committee approved Resolution No. 4458 regarding the Olympic Leadership Academy Program Grant and Resolution No. 4463 relating to the 2008 Consolidated Annual Performance and Evaluation Report. The Committee discussed Ordinance No. 6226 approving an amendment to the 2009-2010 Biennial Budget, Resolution No. 4453 regarding the 2009 Stormwater Management Program, a policy on processes and placement of art murals; Resolution No. 4459 amending the West Hill Drainage Moratorium, and an update on the Community Center project. The next regular meeting of the Planning and Community Development Committee is scheduled for March 23, 2009 at 5:00 p.m.

**C. Public Works**

Chair Wagner reported the Public Works Committee met this afternoon at 3:00. The Committee approved a Right-of-way Use Permit for Auburn School District graduation ceremonies, final pay estimate for Project CP0757 Large Water Meter and Vault Replacement, Resolution No. 4453 approving the Stormwater Management Program, Resolution No. 4459 amending the West Hill Drainage Moratorium and tabled Ordinance No. 6217. The Committee discussed Resolution No. 4464 regarding participation in the National League of Cities Prescription Discount Card Program, the Sanitary Sewer Comprehensive Plan, the code update project, the traffic calming program, the non-motorized transportation plan, and the capital projects status report. The next regular meeting of the Public Works Committee is scheduled for April 6, 2009 at 3:00 p.m.

**D. Finance**

Chair Backus reported the Finance Committee met this evening at 6:30. The Committee approved consent items consisting of claims and payroll vouchers, Ordinance No. 6226 approving an amendment to the 2009-2010 Biennial Budget, Resolution Nos. 4460 and 4461 relating to Comcast Cable service rates and equipment and installation fees, and Resolution No. 4464 regarding participation in the National League of Cities Prescription Discount Card Program. The Committee also discussed Resolution No. 4463 regarding the 2008 Consolidated Annual Performance and Evaluation Report. The next regular meeting of the Finance Committee is scheduled for April 6, 2009 at 6:30 p.m.

**E. Community Center**

Chair Wagner reported the next meeting of the Community Center Committee is scheduled for March 25, 2009 at 9:00 a.m.

**F. Downtown Redevelopment**

Chair Norman reported the next meeting of the Downtown Redevelopment Committee is scheduled for March 17, 2009 at 4:00 p.m.

**G. Committee on Committees**

Chair Wagner reported the Committee on Committee met March 11, 2009. The Committee discussed potential changes in the Council Rules of Procedure. The next meeting of the Committee on Committees is scheduled for March 24, 2009 at 3:00 p.m.

**IV. REPORTS**

*At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.*

**A. From the Council**

Deputy Mayor Singer reported on her attendance at a Community Center Committee meeting which consisted of an on-site visit to potential vendors for the Community Center furniture. Deputy Mayor Singer also reported that she and several Councilmembers attended the ACAP fund raising breakfast. Deputy Mayor Singer announced that the Lodging Tax Advisory Committee will meet March 19, 2009 at 1:15 p.m. at the Auburn Area Chamber of Commerce.

Councilmember Wagner reported on his attendance at a RAMP (Pierce County Transportation Planning group) meeting, where the members received a report from the Puget Sound Regional Council on the allocation of federal stimulus funds and a report from State Transportation Secretary Paula Hammond.

Councilmember Cerino reported on his attendance at a Puget Sound Regional Council meeting where discussion centered on transportation funding.

Deputy Mayor Singer reported that the Puget Sound Regional Council approved the allocation of approximately \$79 million of federal stimulus package funds for the four-county region. Auburn was not among those agencies selected for first tier funding.

Councilmember Haugen inquired regarding the executive sessions held by the Planning and Community Development Committee on March 9<sup>th</sup> and the Public Works Committee on March 16<sup>th</sup>. Mayor Lewis referred Councilmember Haugen to the City Attorney for further information.

**V. CONSENT AGENDA**

*All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.*

**A. Minutes**

- 1. Minutes of the March 2, 2009 regular City Council meeting.**

**B. Vouchers**

F4.9.2, F4.9.5

- 1. Claims**

Claims check numbers 383463 through 383856 in the amount of \$2,956,864.61 and wire transfer in the amount of \$4,722.00 and dated March 16, 2009.

- 2. Payroll**

Payroll check numbers 525882 to 525985 in the amount of \$863,064.53 and electronic deposit transmissions in the amount of \$1,197,756.41 for a grand total of \$2,060,820.94



for the pay period covering February 26, 2009 to March 11, 2009

**C. Contract Administration**

**1. Public Works Project Number CP0757**

O4.11.1 CP0757

City Council approve final pay estimate no. 2 to Contract No. 08-08 in the amount of \$99,178.54 for a total contract price of \$198,811.11, with Slead LLC and accept construction of Project No. CP0757, 2007 Large Water Meter and Vault Replacement Project.

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the Consent Agenda.

MOTION CARRIED. 6-0.

**VI. UNFINISHED BUSINESS**

There was no unfinished business.

**VII. NEW BUSINESS**

There was no new business.

**VIII. ORDINANCES AND RESOLUTIONS**

**A. Ordinances**

**1. Ordinance No. 6226**

F3.22

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6215, the 2009-2010 Biennial Budget Ordinance and authorizing amendment to the City of Auburn 2009-2010 Budget as set forth in Schedule "A"

Mayor Lewis briefly spoke regarding the budget reductions contained in the ordinance.

Councilmember Backus moved and Councilmember Norman seconded to introduce and adopt Ordinance No. 6226.

Councilmember Haugen asked whether the City has begun negotiations with the City's represented employees regarding wage and benefit cuts. Mayor Lewis referred Councilmember Haugen to the City Attorney for further information.

Councilmember Haugen moved to table Ordinance No. 6226 until such time as the elected officials and department directors agree to at least a three percent cut in their own salaries. There was no second.

MOTION CARRIED. 5-1 Councilmember Haugen voted no.

## **B. Resolutions**

### **1. Resolution No. 4453**

O3.4.1.10

A Resolution of the City Council of the City of Auburn, Washington, approving the 2009 Stormwater Management Program and authorizing the Mayor to include a copy of the program in the National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit Annual Report for 2008 to the Washington State Department of Ecology

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4453.

MOTION CARRIED. 6-0.

### **2. Resolution No. 4458**

F5.3, O1.3

A Resolution of the City Council of the City of Auburn, Washington, authorizing acceptance of a King County grant in the amount of Fifty Thousand Dollars (\$50,000) in support of the Olympic Leadership Academy Program

Councilmember Norman moved and Councilmember Backus seconded to adopt Resolution No. 4458.

MOTION CARRIED. 6-0.

### **3. Resolution No. 4459**

O3.1

A Resolution of the City Council of the City of Auburn, Washington, amending the moratorium established by Resolution No. 4300, and as amended and extended by Resolution Numbers 4321, 4383 and 4433, on the filing of certain land use, building and grading permit applications in the drainage area contributing surface flows to Mill Creek Tributaries 0045, 0047, 0048 and 0053 as identified by King County and as defined herein, continuing to be effective for a period ending June 30, 2009

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4459 as transmitted by the agenda modification on March 16, 2009.

MOTION CARRIED. 6-0.

**4. Resolution No. 4460**

A3.14.4, A3.14

A Resolution of the City Council of the City of Auburn, Washington, constituting an Order regarding the maximum permitted basic programming service rate set forth in the Federal Communications Commission Form 1240 filed by Comcast on or about April 1, 2008

Councilmember Backus moved and Councilmember Norman seconded to adopt Resolution No. 4460.

MOTION CARRIED. 6-0.

**5. Resolution No. 4461**

A3.14.4, A3.14

A Resolution of the City Council of the City of Auburn, Washington, constituting an Order regarding the maximum permitted equipment and installation rates set forth in the Federal Communications Commission Form 1205 filed by Comcast Cable Communications LLC on or about April 1, 2008

Councilmember Backus moved and Councilmember Norman seconded to adopt Resolution No. 4461.

MOTION CARRIED. 6-0.

**6. Resolution No. 4463**

O3.4.1.7

A Resolution of the City Council of the City of Auburn, Washington, to accept the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2008 program year

Councilmember Norman moved and Councilmember Backus seconded to adopt Resolution No. 4463.

MOTION CARRIED. 6-0.

**7. Resolution No. 4464**

O3.11

A Resolution of the City Council of the City of Auburn, Washington, declaring its intent to participate in the National League of Cities (NLC) Prescription Discount Card Program

Councilmember Backus moved and Councilmember Norman seconded to adopt Resolution No. 4464.

MOTION CARRIED. 6-0.

**IX. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:27 p.m.

APPROVED THE \_\_\_\_\_ DAY OF APRIL, 2009.

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Peter B. Lewis, Mayor

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Danielle Daskam, City Clerk

*City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.*

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